

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

# PCT

To:  
GAUTHIER & CONNORS  
Attn. Gauthier, Maurice E.  
225 Franklin Street Suite 3300  
Boston MA 02110  
UNITED STATES OF AMERICA

**RECEIVED**

DEC 20 2004

GAUTHIER & CONNORS LLP

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

|  |  |
|--|--|
| Applicant's or agent's file reference<br>7263 PCT  | Date of mailing<br>(day/month/year) 15/12/2004           |
| International application No.<br>PCT/US2004/026279 | International filing date<br>(day/month/year) 13/08/2004 |
| Applicant<br><br>KEURIG, INCORPORATED              |  |

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**


Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

|  |  |
|--|--|
| Name and mailing address of the International Searching Authority<br> European Patent Office, P.B. 5818 Patentlaan 2<br>NL-2280 HV Rijswijk<br>Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,<br>Fax: (+31-70) 340-3016 | Authorized officer<br><br>Malene Strarup |
|--|--|

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

#### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

#### When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

#### How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

#### What documents must/may accompany the amendments?

##### Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### "Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

### Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

|  |  |   |
|--|--|---|
| Applicant's or agent's file reference<br>7263 PCT  | <b>FOR FURTHER ACTION</b><br>see Form PCT/ISA/220<br>as well as, where applicable, item 5 below. |   |
| International application No.<br>PCT/US2004/026279 | International filing date (day/month/year)<br>13/08/2004   | (Earliest) Priority Date (day/month/year)<br>10/09/2003 |
| Applicant<br><br>KEURIG, INCORPORATED              |  |   |

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

**4. With regard to the title,**

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

**5. With regard to the abstract,**

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

**6. With regards to the drawings,**

- a. the figure of the **drawings** to be published with the abstract is Figure No. 8

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

- b. ☐ none of the figures is to be published with the abstract.

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US2004/026279

Box No. IV Text of the abstract (Continuation of item 5 of the first sheet)

A beverage filter cartridge has an impermeable cup-shaped out container (12) internally subdivided by a generally cup-shaped filter element (24) into a first chamber inside the filter and a second chamber located between the filter bottom (26) and the container bottom (14). The upper rim (30) of the filter is joined at a peripheral juncture (32) to the container side wall (16), and the filter side wall (28) has exterior channels that face the container side wall and lead downwardly from the peripheral juncture to the second chamber.

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 7 B65D81/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
IPC 7 B65D A47J

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)  
EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages  | Relevant to claim No. |
|------------|---|-----------------------|
| Y          | US 5 840 189 A (SYLVAN JOHN E ET AL)<br>24 November 1998 (1998-11-24)<br>cited in the application<br>column 2, line 22 - column 4, line 26;<br>figure 4 | 1-12                  |
| Y          | US 5 298 267 A (GRUENBACHER DANA P)<br>29 March 1994 (1994-03-29)<br>column 6, line 37 - column 10, line 24;<br>compounds 1,4A                          | 1-12                  |
| A          | CH 688 686 A (COFFEA SA)<br>15 January 1998 (1998-01-15)<br>column 5, line 34 - line 55; figure 5   | 1-12                  |



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

\* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*&\* document member of the same patent family

Date of the actual completion of the international search

3 December 2004

Date of mailing of the international search report

15/12/2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Vesterholm, M

| Patent document<br>cited in search report |   | Publication<br>date | Patent family<br>member(s) | Publication<br>date |
|---|---|---------------------|----------------------------|---------------------|
| US 5840189                                | A | 24-11-1998          | US 5325765 A               | 05-07-1994          |
| US 5298267                                | A | 29-03-1994          | CA 2112400 A1              | 21-01-1993          |
|   |   |                     | DE 69205165 D1             | 02-11-1995          |
|   |   |                     | DE 69205165 T2             | 21-03-1996          |
|   |   |                     | EP 0592544 A1              | 20-04-1994          |
|   |   |                     | WO 9301105 A2              | 21-01-1993          |
|   |   |                     | US 5633026 A               | 27-05-1997          |
|   |   |                     | IE 922186 A1               | 13-01-1993          |
| CH 688686                                 | A | 15-01-1998          | CH 688686 A5               | 15-01-1998          |
|   |   |                     | AT 400291 B                | 27-11-1995          |
|   |   |                     | AU 650064 B2               | 09-06-1994          |
|   |   |                     | AU 8720191 A               | 26-05-1992          |
|   |   |                     | BE 1006165 A5              | 31-05-1994          |
|   |   |                     | CA 2072367 A1              | 01-05-1992          |
|   |   |                     | CH 682909 A5               | 15-12-1993          |
|   |   |                     | WO 9207775 A1              | 14-05-1992          |
|   |   |                     | DE 4192762 C2              | 19-09-2002          |
|   |   |                     | DE 4192762 T               | 28-01-1993          |
|   |   |                     | DK 85792 A                 | 30-06-1992          |
|   |   |                     | EP 0507905 A1              | 14-10-1992          |
|   |   |                     | ES 2085823 A1              | 01-06-1996          |
|   |   |                     | FR 2668451 A1              | 30-04-1992          |
|   |   |                     | GB 2255494 A , B           | 11-11-1992          |
|   |   |                     | IT 1250066 B               | 30-03-1995          |
|   |   |                     | JP 8032249 B               | 29-03-1996          |
|   |   |                     | JP 5502817 T               | 20-05-1993          |
|   |   |                     | LU 88131 A1                | 15-02-1993          |
|   |   |                     | NL 9120010 A , B ,         | 01-10-1992          |
|   |   |                     | PT 99373 A , B             | 31-01-1994          |
|   |   |                     | SE 513548 C2               | 02-10-2000          |
|   |   |                     | SE 9201946 A               | 24-06-1992          |
|   |   |                     | US 5472719 A               | 05-12-1995          |



# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

# PCT

To:

see form PCT/ISA/220

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2004/026279

International filing date (day/month/year)  
13.08.2004

Priority date (day/month/year)  
10.09.2003

International Patent Classification (IPC) or both national classification and IPC  
B65D81/00

Applicant  
KEURIG, INCORPORATED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

Vesterholm, M

Telephone No. +49 89 2399-2541





**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2004/026279

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2004/026279

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**Box No. II Priority**

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1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. ☐ It has not been possible to consider the validity of the priority claim because a copy of the priority document was not available to the ISA at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

4. Additional observations, if necessary:

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**Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

|                               |             |      |
|-------------------------------|-------------|------|
| Novelty (N)                   | Yes: Claims | 1-12 |
|                               | No: Claims  |      |
| Inventive step (IS)           | Yes: Claims |      |
|                               | No: Claims  | 1-12 |
| Industrial applicability (IA) | Yes: Claims | 1-12 |
|                               | No: Claims  |      |

2. Citations and explanations

**see separate sheet**

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**Box No. VII Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

**see separate sheet**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

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International application No.  
PCT/US2004/026279

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**Re Item V.**

1. The following documents are referred to in this communication:

D1 : US 5 840 189 A (SYLVAN JOHN E ET AL) 24 November 1998

D2: CH 688 686 A (COFFEA SA) 15 January 1998

D3 : US 5 298 267 A (GRUENBACHER DANA P) 29 March 1994

2. INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 1 does not involve an inventive step in the sense of Article 33(3)PCT.

- 2.1.1 Document D1, which is considered to represent the most relevant state of the art to the subject matter of claim 1, discloses (the references in parenthesis applying to this document):

A beverage filter cartridge (10) comprising:

an impermeable cup-shaped container (12) having a substantially flat first bottom (12b) and a first side wall (12a) diverging upwardly from said first bottom (12b) to a collar (20) surrounding a top opening (18);

a filter element (14) having a substantially flat second bottom and a second side wall diverging upwardly from said second bottom to an upper rim (26), said filter element (14) being received in said container (12) with said second bottom spaced both inwardly from said first side wall (12a) and vertically from said first bottom (12b), and with said upper rim (26) joined at a peripheral juncture to the interior of said first side wall (12a), the interior of said container (12) thus being subdivided by said filter element (14) into a first chamber accessible via said top opening (18), and a second chamber disposed between said first and second bottoms;

a beverage medium received in said first chamber via said top opening (18);  
and

an impermeable cover (16) sealed to said collar (20) and closing said top opening (18), said cover (16) being piercable to admit liquid into said first chamber for impulsion with said beverage medium to produce a beverage, said filter element (14) being permeable to accommodate the flow therethrough of said beverage for delivery to said second chamber, and said first bottom (12b) being piercable to accommodate an outflow of said beverage from said cartridge (10) (see Fig. 4, and col. 2, line 22 - col. 4, line 26).

All these features are equally known from the prior art document D2 (see in particular Fig. 5 and col. 5, lines 34 - 55).

- 2.1.2 The subject-matter of independent claim 1 differs from the disclosure of D1 in that:

said second side wall coacting with the interior of said first side wall defines exit channels leading from said peripheral juncture to said second chamber.

- 2.1.3 The problem to be solved by the present invention may therefore be regarded as "to improve the flexibility of the filter material during the forming of the conical shape".

- 2.1.4 In view of D3 the solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

the skilled person starting from D1 or D2 and facing the problem posed would notice immediately from D3 (see Fig. 1) that the filter according to D3 is easier to handle during the forming process and thus, he would combine the teaching of D3 with the teaching of D1 or D2 and arrive at a similar structure as claimed in independent claim 1 without exercise of any inventive skills in order to solve the problem posed. The proposed solution in independent claim 1 thus cannot be considered inventive (Article 33(3) PCT).

3 INDEPENDENT CLAIM 12

3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 12 does not involve an inventive step in the sense of Article 33(3)PCT.

3.1.1 Document D1, which is considered to represent the most relevant state of the art to the subject matter of claim 12, discloses (the references in parenthesis applying to this document):

A beverage filter cartridge (10) comprising:

a cup-shaped outer container (12) having a side wall and a bottom (12a, 12b);  
and

a cup-shaped filter element (14) having a side wall and a bottom;  
said filter element (14) being arranged to subdivide the interior of said container (12) into a first chamber inside said filter element (14) and a second chamber located between the bottom of said filter element (14) and the bottom of said container (12), said filter element (14) having an upper rim (26) joined to the container side wall (12a) at a peripheral juncture (see Fig. 4, and col. 2, line 22 - col. 4, line 26).

All these features are equally known from the prior art document D2 (see in particular Fig. 5 and col. 5, lines 34 - 55).

3.1.2 The subject-matter of independent claim 12 differs from the disclosure of D1 in that:

and said filter side wall having exterior channels that face said container side wall and that lead downwardly from said peripheral juncture to said second chamber.

- 3.1.3 In view of D3 the solution proposed in claim 12 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the same reasons as the independent claim 1 (see 2.1.3 and 2.1.4).

**4 DEPENDENT CLAIMS 2-11**

Dependent claims 2-11 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(3) PCT).

- 4.1 The additional feature of dependent claim 2 cannot be used as a basis for a claim which would meet the requirements of Article 33(3) PCT because the additional feature is known from D1 (see Fig. 4).
- 4.2 The additional features of dependent claims 3, 4, 9 and 10 cannot be used as a basis for a claim which would meet the requirements of Article 33(3) PCT because all of their additional features are known from D3 (see Fig. 1 and 4A, and col. 10, lines 14 - 24).
- 4.3 The additional features of dependent claims 5, 6, 7, 8 and 11 are considered merely to be obvious design alternatives for the skilled person which he would consider without taking an inventive step (Article 33(3) PCT).

**Re Item VII.**

5. Independent claims 1 and 12 are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
6. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

**Re Item VIII.**



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2004/026279

7. The vague and imprecise statement in the description on page 4, lines 27 - 28, implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them.